

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

KEN AKOUNDI on behalf of himself,)
and all others similarly situated,)
)
Plaintiff,) Civil Action No.: 14-cv-0366-RWS
)
vs.) NOTICE OF MOTION TO DISMISS
)
FMS, INC., and JOHN DOES 1-25,) HEARING DATE: TBD
) HEARING TIME: TBD
Defendant(s).)
)

PLEASE TAKE NOTICE that, upon the accompanying defendant FMS, Inc.'s Memorandum of Law, FMS will move this Court, before the Honorable Robert W. Sweet, at the United States Courthouse, 500 Pearl Street, New York, New York on a date and time to be set by the Court for an order dismissing the First Amended Complaint (Dkt. No. 27) for failure to state a claim upon which relief can be granted under Federal Rule of Civil Procedure 12(b)(6).

[signature on following page]

Dated: September 3, 2014

Respectfully submitted,

/s/ Aaron R. Easley

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CERTIFICATE OF SERVICE

I certify that on this 3rd day of September 2014, a copy of **NOTICE OF MOTION TO DISMISS** was filed electronically in the ECF system. Notice of this filing will be sent to the parties of record by operation of the Court's electronic filing system, including plaintiff's counsel, as described below. Parties may access this filing through the Court's system.

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